

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
CoreComm Communications, Inc., and	)	
Z-Tel Communications, Inc.,	)	
	)	
Complainants,	)	
	)	
v.	)	File No. EB-01-MD-017
	)	
SBC Communications Inc.,	)	
Southwestern Bell Telephone Company,	)	
Pacific Bell Telephone Company,	)	
Nevada Bell Telephone Company,	)	
The Southern New England Telephone	)	
Company,	)	
Illinois Bell Telephone Company,	)	
Indiana Bell Telephone Company,	)	
Michigan Bell Telephone Company,	)	
The Ohio Bell Telephone Company, and	)	
Wisconsin Bell, Inc.,	)	
	)	
Defendants.	)	

**ORDER**

**Adopted: October 4, 2005**

**Released: October 5, 2005**

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On August 28, 2001, CoreComm Communications, Inc. ("CoreComm") and Z-Tel Communications, Inc. ("Z-Tel") (collectively, "Complainants") filed a formal complaint pursuant to section 208 of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> against nine incumbent local exchange carriers and their parent corporation, SBC Communications Inc.

---

<sup>1</sup> 47 U.S.C. § 208.

(collectively, “Defendants”).<sup>2</sup> In their Complaint, Complainants allege that Defendants violated sections 201(b), 202(a), 251(c)(1), and 251(c)(3) of the Act,<sup>3</sup> Commission rules 51.309(a), 51.309(b), and 51.313(b),<sup>4</sup> and paragraph 56 of the *SBC/Ameritech Merger Order Conditions*.<sup>5</sup>

2. In the *Liability Order*,<sup>6</sup> the Commission granted Complainants’ claim that defendants Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc. violated paragraph 56 of the *SBC/Ameritech Merger Order Conditions* and, in this regard, section 201(b) of the Act, but otherwise denied the Complaint.

3. Defendants petitioned for review of the *Liability Order* before the United States Court of Appeals for the District of Columbia Circuit.<sup>7</sup> The Court of Appeals vacated the *Liability Order* and remanded certain issues for further proceedings before the Commission.<sup>8</sup>

4. On September 29, 2005, Complainants filed a Motion<sup>9</sup> requesting that we dismiss

---

<sup>2</sup> See Formal Complaint, File No. EB-01-MD-017 (filed Aug. 28, 2001) (“Complaint”). The Complaint requested that Commission staff bifurcate the proceeding pursuant to section 1.722(d) of the Commission’s rules, 47 C.F.R. § 1.722(d), and address liability issues prior to consideration of damages issues. Complaint at 24-25, ¶ 99.

<sup>3</sup> 47 U.S.C. §§ 201(b), 202(a), 252(c)(1), (c)(3).

<sup>4</sup> 47 C.F.R. §§ 51.309(a), 51.309(b), 51.313(b).

<sup>5</sup> *Applications of Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, for Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95 and 101 of the Commission’s Rules*, Memorandum Opinion and Order, 14 FCC Rcd 14712 (1999) (“*SBC/Ameritech Merger Order*”) at Appendix C (“*Conditions*”).

<sup>6</sup> *CoreComm Communications, Inc. and Z-Tel Communications, Inc. v. SBC Communications Inc. et al.*, Memorandum Opinion and Order, 18 FCC Rcd 7568 (2003) (“*Liability Order*”), vacated and remanded sub nom. *SBC Communications Inc. v. FCC*, 407 F.3d 1223 (D.C. Cir. 2005).

<sup>7</sup> *Petition for Review sub nom. SBC Communications Inc. v. FCC*, No. 03-1147 (D.C. Cir. 2003).

<sup>8</sup> *SBC Communications Inc. v. FCC*, 407 F.3d 1223 (D.C. Cir. 2005).

<sup>9</sup> Motion to Dismiss, File No. EB-01-MD-017 (filed Sept. 29, 2005) (“Motion”).

the Complaint with prejudice. Complainants state in the Motion that the parties have settled their dispute and that Defendants do not oppose the Motion.

5. We grant the Motion. The *Liability Order* has been vacated, and Complainants have reached a mutually-acceptable resolution of their dispute with Defendants. Dismissing the Complaint at this stage is appropriate and will serve the public interest by promoting the private resolution of disputes and eliminating the expenditure of further time and resources of the parties and the Commission.

6. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Lisa B. Griffin  
Deputy Chief, Market Disputes Resolution Division  
Enforcement Bureau